

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 18-cv-3268 (WMW/SER)

Plaintiff,

v.

Joseph H. Yennie et al.,

Defendants.

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION**

This matter is before the Court on the April 30, 2019 Report and Recommendation (R&R) of United States Magistrate Judge Steven E. Rau. (Dkt. 43.) The R&R recommends denying the motions to dismiss filed by Defendants Joseph H. Yennie and Sheila A. Yennie. Joseph Yennie and Sheila Yennie each filed objections to the R&R.

A district court reviews de novo those portions of an R&R to which an objection is made and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *accord* Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). When a party fails to file specific objections to an R&R, de novo review is not required. *See Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015) (observing that objections to an R&R that “are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to de novo review, but rather are reviewed for clear error”). A district court reviews for clear error any aspect of an R&R to which no specific objection is made. *See Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam); *see also* Fed. R. Civ. P. 72(b)

advisory committee's note to 1983 amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

The R&R determines that this Court has subject-matter jurisdiction over this action, personal jurisdiction over Joseph Yennie, and that venue in this District is proper. The R&R also determines that Plaintiff United States of America has not failed to state a claim on which relief can be granted, and that disputed material facts preclude summary judgment in favor of Sheila Yennie to the extent that her motion is construed as a motion for summary judgment. The Court has reviewed the objections filed by Joseph Yennie and Sheila Yennie. Because the objections lack either sufficient specificity or legal merit, the Court overrules the objections. Having carefully reviewed the R&R, the Court finds that it is neither clearly erroneous nor contrary to law.

Based on the R&R, the foregoing analysis, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The objections to the R&R filed by Defendants Joseph H. Yennie and Sheila A. Yennie, (Dkts. 44, 46), are **OVERRULED**.
2. The April 30, 2019 R&R, (Dkt. 43), is **ADOPTED**.
3. The motions to dismiss filed by Defendants Joseph H. Yennie and Sheila A. Yennie, (Dkts. 13, 18, 42), are **DENIED**.

Dated: July 24, 2019

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge